1947

File No. Electricity II
47

Legal **DEPARTMENT**

B **BRANCH**

Subject:— Rules and notifications under the Electricity Act- 1910

B 1/47 E

File No. Electricity II/47

Std. Scott. Slip 24 B e.

375-B

C O N T E N T S.

Legal Department File No. Electricity II/47.

Sr. No.	Compilation No.	Subject	Pages.
		Indian Electricity Act, 1910.	
1.	U.O. No.5539 dt/29/5/47/	Sec. 51 --Notfn. under--	1-4

V.VK: 14/8/56/-

60.

Office of the R.L.A.

Once the powers are conferred on the Tata Electric Licensee as provided in the draft notification at pages 5 and 6 ante, those powers can be amended, varied or withdrawn only in the like manner as provided in section 51 of the Indian Electricity Act, 1910., i.e. by a notification in writing and not merely by an executive order (see section 21 of the General Clauses Act, 1897). It is competent to Government to impose in the present notification itself the restriction that the powers are to be exercised only in respect of carrying on surveys for fixing the line routes; and subsequently to remove this restriction and enlarge the scope of the powers. But it is not legal to confer the plenary powers by a notification and to limit their use by an executive order as proposed .

2. In place of the draft notification at pages 5-6 ante, revised draft thereof is sent herewith . In the revised draft, condition (iii) of the P.W.D. draft has been deleted as it is unnecessary in view of the power of Government to levy further conditions whenever necessary under section 51 of the Indian Electricity Act, 1910.

O.C.Id- .M.I.,
At/-28/5/

Remembrancer of Legal Affairs.

..... No. 3533, Dated the 29th May 1947.

V.VK. 14/5/56/

SC.

NOTIFICATION.

Public Works Department,
Bombay Castle, - - - May 19[illegible]

No. [illegible]59/36.--In exercise of the powers conferred by s t [illegible] 51 of the Indian Ele [illegible]city Act, 910 (IX of 1910) the Government of Bombay is pleased to confer upon the Wai Electric Light and Power Supply Corporation, Limited, the licensee of Wai Electric License, 1937, for the placing of appliances and apparatus for the transmission of electrical energy for the purpose of their undertaking, from the Bhatghar power house to any place generally [illegible] in the area of supply provided in the Wai Electric License, 1937, the powers which the telegraph-authority possesses under sections 10 to 19 and 19A of the Indian Telegraph Act, 1885(XIII of 1885), with respect to the placing of telegraph-lines and posts for the purposes of a telegraph established or maintained by the Government or to be so established or maintained.

Indian Ele [illegible]ri[illegible] A[illegible]t, 1910.

The exercise of the powers hereby conferred is subject to the provisions of the said Indian Telegraph Act, 1885, and also to the followin[illegible] further conditions, namely.-

(i) The telegraph and telephone lines crossing the transmission lines shall be efficiently guarded to the satisfaction of the telegraph -- authority;

(ii) All such crossings shall be at right angles or as near to right angles as practicable.

(iii) The said powers shall be exercised only in respect of the carrying on surveys for fixing the line routes.

By order of the Governor of Bombay,

Secretary to Government.

V.VK. 14/5/56/

50.